



- (a) that, as a result of the motor vehicle accident which is the subject of the state court action, the Plaintiff suffered “permanent injuries within a reasonable degree of medical probability, resulting in associated pain and suffering, disability, mental anguish, loss of capacity for the enjoyment of life, expense of medical care and treatment, loss of earnings and other economic damages, loss of ability to earn money in the future, and/or aggravation of a previously existing condition. The losses are continuing and the Plaintiff will suffer losses in the future.” (Complaint, ¶ 10);
- (b) that doctor examinations have revealed a large herniated disk with posterior annular tear and a disc bulge and that the Plaintiff is permanently injured (11-20-2012 letter from Plaintiff’s counsel to Crete’s claim adjuster);
- (c) that the Plaintiff has incurred substantial medical expenses, including approximately \$12,000.00 in medical expenses as of November 20, 2012, and was continuing treatment (11-20-2012 letter from Plaintiff’s counsel to Crete’s claim adjuster);
- (d) that the Plaintiff has been diagnosed with post traumatic disc herniation with associated low back pain with radiating symptoms into the lower extremities; post traumatic bulging disc with associated

low back pain; post traumatic loss of lordosis in the cervical spine; vertebral misalignments in the cervical, thoracic and lumbar spine with associated muscle spasms and restricted range of motion; post traumatic cervical, thoracic and lumbar sprain/strain with associated myofascial pain syndrome, restricted motion, and muscle spasm; and post traumatic cervical, thoracic and lumbar subluxation/fixation (4-4-2013 letter from Plaintiff's counsel to Crete's claim adjuster);

- (e) that the Plaintiff will need future treatment for his symptoms at the cost of over \$2,000.00, and perhaps as high as \$7,000.00 annually (4-4-2013 letter from Plaintiff's counsel to Crete's claim adjuster);
- (f) that a physician has recommended lumbar fusion surgery for the Plaintiff, "conservatively" estimated to cost \$60,000.00, and which does not include costs associated with rehabilitation, and the future cost of the Plaintiff's care, missed work, and pain and suffering (8-9-2013 letter from Plaintiff's counsel to Crete's claim adjuster); and
- (g) that the Plaintiff has demanded \$250,000.00 as compensation for his injuries (8-9-2013 letter from Plaintiff's counsel to Crete's claim adjuster).

2.

Based upon the allegations of the Plaintiff's Complaint, the Plaintiff was a citizen and resident of the State of Florida at all times material to this suit.

3.

Defendant Crete Carrier Corporation was a corporation organized and existing under the laws of the State of Nebraska, having its principal place of business in Lincoln, Nebraska at the time of the commencement of this suit and at all times since.

4.

Defendant Charles Francis Grantier was a resident of the State of Michigan at the time of commencement of this suit and at all times since.

5.

The motor vehicle accident, which is the subject of the state court suit, and which is the event giving rise to the Plaintiff's claims, occurred in Kingsland, Camden County, Georgia. Camden County is located within the Brunswick Division of the Southern District of Georgia.

6.

The Defendants attach hereto as Exhibit "A" a copy of the Summons and Complaint filed in the Superior Court of Camden County, Georgia. The Defendants attach hereto as Exhibit "B" a copy of the Answer of Defendants

Charles Francis Grantier and Crete Carrier Corporation also filed in the Superior Court of Camden County, Georgia.

7.

Now, within thirty (30) days after service of the Summons and Complaint, the Defendants file this Notice of Removal of the state court action to this Court.

8.

This action is removable by reason of diversity of citizenship of the parties, there being more than \$75,000.00 in controversy, exclusive of interest and costs.

WHEREFORE, the Defendants file this Notice of Removal of said state court action to this Court.

Respectfully submitted this 15<sup>th</sup> day of November, 2013.

WEBB, ZSCHUNKE, NEARY  
& DIKEMAN, LLP

/s/ Andrei V. Ionescu

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**CERTIFICATE OF SERVICE**

This is to certify that I have on this day served all the parties in this case in accordance with the directives from the Court Notice of Electronic Filing (“NEF”) which was generated as a result of electronic filing.

Respectfully submitted this 15<sup>th</sup> day of November, 2013.

WEBB, ZSCHUNKE, NEARY  
& DIKEMAN, LLP

*/s/ Andrei V. Ionescu*

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